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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,065	07/16/2001	Antonio Mugica	38146	1265
29569	7590	06/10/2005	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			CAO, DIEM K	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,065

Applicant(s)

MUGICA ET AL.

Examiner

Diem K. Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 23-31 are pending. Applicant has cancelled claims 1-22 and added claims 23-31.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 recites "is a complex compound of software components that can accept different kinds of software extensions dynamically in a hot plug fashion, and exchange information with other instances of itself, within the core dimension related" on lines 7-9 and "having said CORE consists of a complex compound of software components that dynamically accepts software extensions and exchanges information with other COREs" on lines 12-14 which has the meaning.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natori et al. (U.S. 2004/0060036 A1) in view of Bohrer et al. (U.S. 6,106,569).

6. As to claim 23, Natori teaches

- having a core dimension (an enterprises system framework 10; page 4, section 0059);
- having a plurality of applications (a client program; section 0054, a program for executing data processing, message processing; section 0055, and a program for executing data processing; section 0056 and Fig. 11 and related text);
- relating the core dimension to the application (constructing an enterprise system using the enterprise system framework 10; page 5, section 0072);
- having a COREs, where the CORE is a complex organizational referee engine which manages information and interaction between different extensions of the architecture attached to it (a client/server application system framework 12, a web application system framework 13, a server application system framework 14; page 4, sections 0061-0062 – page 5, section 0063), and is a complex compound of software components that exchanges information with other instances of itself, within the core dimension related (the delivery of data between systems; page 4, sections 0061-0062 – page 5, section 0063)
- having the COREs within the core dimension share information and integrate the system architecture (The enterprise system basic framework ... communication processing components; page 4, section 0060);

- having the applications (a client/server application system group, a Web application system group and a server application system group; page 5, section 0073) based on abstractions (a client/server application system framework 12, a web application system framework 13, a server application system framework 14; page 4, section 0059) that are composed of drivers, abstraction layers and a unique CORE (abstract class, a subclass, and customized sub class by materializing the abstract method of the subclass and adding a new attribute or method; page 5, section 0074);
- having a plurality of terminal devices (Clients 31-33, Web application server, Internet server, Database Server; Fig. 11);
- the abstraction layers consist of a software layer that hides implementation details and data structures of a specific software (The client/server application ... abstractly defines basic attributes and behaviors of a stand-alone client/server application server system, and is expressed as aggregate of abstract classes and concrete classes; sections 0061-0063);
- the module extensions are comprises of an abstraction layer and a driver (abstract class, customized subclass; section 0074).

7. However, Natori does not teach having two dimensions, an application dimension and a core dimension, relating the application dimension to different applications, and the CORE that can accept different kinds of software extensions dynamically in a hot plug fashion. Bohrer teaches having two dimensions, an application dimension (Software applications 120; Fig. 1) and a core dimension (Base layer 101, Common Business object layer 102, and Core business

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process layer 103; col. 6, lines 39-72 and Fig. 1), relating the application dimension to different applications (applications 121-127, software applications 120; Fig. 1), and the CORE that can accept different kinds of software extensions dynamically in a hot plug fashion (col. 7, lines 46-59 and col. 9, lines 26-30).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Natori and Bohrer because it would improve the complexity of the system of Natori because Bohrer's applications can support all hardware platforms and related software operating systems relevant on the market (col. 3, lines 43-44).

9. As to claim 24, although Natori does not explicitly teach the core dimension consists of a plurality of COREs connected by a bi-directional communication means, Natori teaches the communication between the COREs are enabled (sections 0061-0063), and each CORE can communicate with different CORE (the delivery of data between systems; page 4, sections 0061-0062 – page 5, section 0063). It would have been obvious to one of ordinary skill in the art that the COREs are connected by a bi-directional communication means.

10. As to claim 25, Natori teaches the CORE provides the basic functions which related to start and end of the systems, the delivery of data between systems, the transmission and acquisition of requests, the input/output of data to systems, the transition between systems, system control, and connection interfaces to common components (sections 0060-0063).

Although Natori does not use the same terms as of the instant application, the system of Natori

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provides the same functionalities. However, Natori does not teach the CORE consists of three parts. Bohrer teaches the CORE consists of three parts (The Base layer 101, the Common Business Objects layer 102 and the Core Business Process layer 103; col. 6, lines 39-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Natori and Bohrer because it would be easier to maintain the system of Natori by having different layers, and each layer provides different functionality.

11. As to claim 26, Natori does not explicitly teach the abstraction layer consists of two parts a CORE-Abstraction interface, which interfaces an extension with a CORE; and Extension Knowledge Layer, which contains logic and knowledge about the operations of extensions. Bohrer teaches the Core Business Process layer 103 is an abstract layer (layer 103 does not provide executable code; col. 6, lines 62-67), and contains the basic functions which all of the application programs, and each one is built for one specific type of application (col. 6, line 67 – col. 7, line 14), and interfaces with a CORE (See Fig. 1).

12. As to claim 27, Natori does not explicitly teach having an extension driver layer that consists of parts an Abstraction-Driver interface, which interfaces the Abstraction layer with a terminal device, and Driver logic used to control the terminal device. Bohrer teaches an extension driver layer consists of parts an Abstraction-Driver interface, which interfaces the Abstraction layer with a terminal device (Adapter 503; see Fig. 3 and col. 8, lines 48-59), and Driver logic used to control the terminal device (Extension 502; Fig. 3 and extensions 301-303; Fig. 4 and col. 8, lines 48-67).

13. As to claim 28, Natori does not teach the method of claim 1 used for a Control and Automation Application. Natori teaches the framework is used to create multiple types of applications (abstract). It would have been obvious the framework of Natori could be used to implement a Control and Automatic Application.

14. As to claim 29, Natori does not teach the method of claim 1 used for an Assets Control application. Natori teaches the framework is used to create multiple types of applications (abstract). It would have been obvious the framework of Natori could be used to implement an Assets Control Application.

15. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natori et al. (U.S. 2004/0060036 A1) in view of Bohrer et al. (U.S. 6,106,569) further in view of Brobst et al. (U.S. 5,893,106).

16. As to claim 30, Natori does not teach replace a terminal device with a new terminal device consisting of the adding the step of changing the driver for the extension. Brobst teaches replace a terminal device with a new terminal device consisting of the adding the step of changing the driver for the extension (CF extensions need change to accommodate new operating systems; col. 5, lines 12-25). It would have been obvious to one of ordinary skill in the art by the time the invention was made to combine the teaching of Natori and Brobst because it provides a method to create an operating platform independent system.

17. As to claim 31, Brobst teaches add a new terminal device to a system using the method in claim 1 consisting of adding the steps of

a) constructing a new extension for the terminal device (CF extensions need to change; col. 5, lines 12-25),

b) interfacing the new extension into the CORE (add desired extensions to the server framework itself; col. 5, lines 27-29);

c) asking the CORE for the required data and information to handle the new extension (When such changes are determined ... at box 106; col. 5, lines 52-58).

18. It would have been obvious to one of ordinary skill in the art by the time the invention was made to combine the teaching of Natori, Bohrer and Brobst because it provides a method to create an operating platform independent system.

Response to Arguments

19. Applicant's arguments filed 2/3/2005 have been fully considered but they are not persuasive.

Applicant did not particular pointed out why the amended claims would over come the prior art of record. As set forth in the action, the prior art of record still teaches the amended claims.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 6:00AM - 1:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Due to the realignment of WG 2120, effective March 20, 2005, AU 2126 will become AU 2194.

Diem Cao


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